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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/813,936      | 03/22/2001  | Wayne Morgan John    | 713-409             | 1825             |

7590 01/21/2004

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| EXAMINER |
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CHEVALIER, ALICIA ANN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1772

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/813,936

Applicant(s)

JOHN ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,7,9,11-14,16,17,21,35-46 and 48-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,9,11-14,16,17 and 21 is/are allowed.
- 6) ☒ Claim(s) 35-46 and 48-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **RESPONSE TO AMENDMENT**

### ***Request for Continued Examination***

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed in paper #13 on October 21, 2003 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 6, 7, 9, 11-14, 16, 17, 21, 35-46, and 48-57 are pending in the application. Claims 1-5, 8, 10, 15, 18-20, 22-34 and 47 have been cancelled.
3. Amendments to claims in paper #14, filed on October 21, 2003, have been entered in the above-identified application.

### ***WITHDRAWN REJECTIONS***

4. The 35 U.S.C. §112 rejections of claims 6-17, 21, 22, 24, 26 and 31, made of record in paper #9, page 3, paragraph #7 have been withdrawn due to Applicant's arguments in the after final response in paper #10, page 4, in the section headed 35 U.S.C. 112 ....
5. The 35 U.S.C. §102 rejection of claims 6, 7, 9-12 and 35-37 over Robbins, Jr. (US Patent No. 4,340,633), made of record in paper #10, pages 3-4, paragraph #8 has been withdrawn due to Applicant's amendment in paper #14.
6. The 35 U.S.C. §102 rejection of claim 6-8, 10-14, 22, 35-39, 43, 44 and 46 over Harper et al. (US Patent No. 5,077,117), made of record in paper #9, page 4, paragraph #9 has been withdrawn due to Applicant's amendment in paper #14.

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7. The 35 U.S.C. §103 rejection of claim 40 as over Harper, made of record in paper #9, pages 4-5, paragraph #10 has been withdrawn due to Applicant's amendment in paper #14.

8. The 35 U.S.C. §103 rejection of claims 15, 16, 41, 42 and 45 as over Harper, made of record in paper #9, page 5, paragraph #11 has been withdrawn due to Applicant's amendment in paper #14.

9. The 35 U.S.C. §103 rejection of claims 6, 8, 24 and 35 as over Van Schoyck (US Patent No. 3,921,350) in view of Robbins, made of record in paper #9, pages 5-6, paragraph #12 has been withdrawn due to Applicant's amendment in paper #14.

#### ***NEW REJECTIONS***

10. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

#### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 35-46 and 48-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "substrate ... having a first hardness; and a cut-resistant anti-

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slip coating ... having a *second hardness greater than the first hardness*,” is not disclosed or described in the specification and is considered new matter. The disclosure regarding the hardness of the substrate and coating in the specification is in the Example, which starts on page 4. The Example mere states that the substrate has a Shore D hardness between 80 and 100 and the particles in the coating have a mohs hardness of between 9 and 10. There is no disclosure that the coating has a greater hardness than the substrate. Furthermore, the hardness val<sup>u</sup>es for the substrate and the particles in the coating are not comparable because they were ~~done~~<sup>found</sup> with different tests.

*Allowable Subject Matter*

13. Claims 6, 7, 9, 11-14, 16, 17 and 21 are allowed.

**REASONS FOR ALLOWANCE**

14. The following is an examiner's statement of reasons for allowance:

The prior art fails to teach or suggest the recited shapeable weather-resistant anti-slip panel.

The structural limitations that overcome the prior art of record include, for independent claim 6, a weather-resistant anti-slip panel comprising a cut-resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a Shore D hardness of between 80 and 100.

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The structural limitations that overcome the prior art of record include, for independent claim 16, a weather-resistant anti-slip panel comprising a cut-resistant anti-slip coating on a working surface of an inflexible substrate and a pattern of uncoated, cutting lines on the substrate, wherein the substrate is an unsaturated polyester based on an orthophthalic resin filled with e-glass fibre and has a maximum deflection of 25° when 1 kg is suspended from a fixed panel test piece 100 mm long x 20 mm wide x 3-3.5 mm thick.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

16. Applicant's arguments in paper #14 regarding the previous rejections of record have been considered but are moot due to the new grounds of rejection.

#### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blum (U.S. Patent No. 6,219,876 B1), Harvison (U.S. Patent No. 5,380,549) and McKinnon (U.S. Patent No. 4,959,250) all disclose similar panels.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490.

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The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (571) 272-1498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (571) 272-0987.

ac

1/7/04

A handwritten signature in black ink, appearing to be 'AR' with a long horizontal stroke extending to the right.

  
SANDRA M. NOLAN  
PRIMARY EXAMINER